



STATE OF NEVADA
Department of Conservation & Natural Resources
DIVISION OF ENVIRONMENTAL PROTECTION

Brian Sandoval, Governor
Leo M. Drozdoff, P.E., Director
Colleen Cripps, Ph.D., Administrator

September 22, 2011

Irwin Kishner
Herman Kishner Trust
252 Convention Center Drive, Ste 12A
Las Vegas, NV 89109

Maryland Square Shopping Center, LLC
c/o Tim Swickard
Dongell Lawrence Finney LLP
770 L St., Suite 950
Sacramento, CA 95814

Subject: **2nd Quarter 2011, Groundwater Monitoring Report, Maryland Square Shopping Center**
Facility: Al Phillips the Cleaner (former)
3661 S. Maryland Parkway
Las Vegas, Nevada
Facility ID: **H-000086**

Dear Mr. Swickard and Mr. Kishner:

The Nevada Division of Environmental Protection (NDEP) has reviewed the ***Groundwater Monitoring Report for 2nd Quarter 2011***, prepared by Tetra Tech EM, Inc. (Tetra Tech) on behalf of the Herman Kishner Trust and Maryland Square Shopping Center, LLC, dated July 28, 2011 and received in hard copy by the NDEP on August 1, 2011.

NDEP Comments

The NDEP had a few comments on the quarterly report:

1. Page 2, Section 1.2, "Additional Soil and Groundwater Investigation Report." The last sentence of the second paragraph under this entry states that this work "*described the lateral extent of PCE-contaminated groundwater southeast of the Boulevard Mall property.*" This is a misstatement; the Investigation Report described installation of wells MW-7 through MW-12, four of which are located on the Property (MW-7, MW-8, MW-9, MW-12), and two on the Boulevard Mall property (MW-10 and MW-11). PCE was not detected in the two wells installed on the Boulevard Mall property (MW-10 and MW-11). Therefore, the PCE plume does not extend into the southern portion of the Boulevard Mall property, nor to the "*southeast of the Boulevard Mall property.*" (The NDEP did not catch this misstatement in previous quarterly reports, but requests that this misstatement be corrected for future quarterly reports).



2. Page 14, Section 3.0, Discussion and Appendix D, Statistical Analysis Reports. There are a few minor errors and misleading results in the text and appendix.
- The summary of linear regression results indicates that PCE concentrations in MW-16 are "probably increasing," when in fact, all results but one are nondetects (NDs). MW-16 should be instead included in the text list for "insufficient data" or "mostly NDs."
 - The "MAROS Statistical Trend Analysis Summary" and "Linear Regression Statistics Summary" tables show MW-11 as *not* "all NDs," even though PCE has *never* been detected in samples from this well. Other wells listed should be checked again to make certain there are no other misclassifications. Please correct in future reports.

Results from linear regression analysis can be inordinately affected by a single outlier, so the plots should always be viewed *before* concluding (as was done for MW-16) that there is an actual trend.

3. Figure 3. This figure still shows MW-11 as a well that is "not sampled." Please correct in the next report.

NDEP Requirements

Unless a schedule modification is agreed to by the NDEP, please provide future quarterly reports on the following schedule:

- Groundwater Monitoring Report for the Third Quarter, 2011 – **October 28, 2011**
- Groundwater Monitoring Report for the Fourth Quarter, 2011 - **January 30, 2012**

If you have any questions or require additional information regarding this letter, contact me by telephone at (775) 687-9496 or e-mail at msiders@ndep.nv.gov.

Sincerely,



Mary A. Siders, Ph.D.
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